

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA a/s/o Ethical
Culture Fieldston School and Ethical
Culture Fieldston,

Plaintiff,

-against-

TISHMAN CONSTRUCTION CORPORATION
OF NEW YORK, JOHN CIVETTA & SONS,
INC., AMBROSINO, DEPINTO, SCHMIEDER
CONSULTING ENGINEERS, P.C., MUNOZ
ENGINEERING & LAND SURVEYING, P.C.,
COOPER, ROBERTSON & PARTNERS, LLP,
and LANGAN ENGINEERING AND
ENVIRONMENTAL SERVICES, INC.,

Defendants.
-----X

Index No. CV 11178

**ANSWER OF COOPER,
ROBERTSON & PARTNERS,
LLP TO THE COMPLAINT**

Defendant, COOPER, ROBERTSON & PARTNERS, LLP, (hereinafter referred
to as defendant "COOPER"), for its answer to the Complaint by its attorney, Krieg Associates,
P.C., alleges as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth
of the allegations contained in paragraphs 1 through 6 of the Complaint.

2. Denies the allegations contained in paragraph 7 of the Complaint except
admits the defendant COOPER is a duly organized and existing entity authorized to practice the
profession of architecture in the State of New York with principal place of business located at
311 West 43rd Street, New York, NY 10036.

3. Denies knowledge or information sufficient to form a belief as to the truth
of the allegations contained in paragraphs 8 through 20 of the Complaint.

WITH RESPECT TO THE FIRST CAUSE OF ACTION

4. Answering defendant repeats and reiterates its answers to paragraphs 1 through 20 of the complaint with the same force and effect as though fully set forth herein at length.

5. Denies the allegations contained in paragraphs 20 through 23 of the Complaint.

WITH RESPECT TO THE SECOND CAUSE OF ACTION

6. Answering defendant repeats and reiterates its answers to paragraphs 1 through 23 of the complaint with the same force and effect as though fully set forth herein at length.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 25 through 26.

WITH RESPECT TO THE THIRD CAUSE OF ACTION

8. Answering defendant repeats and reiterates its answers to paragraphs 1 through 28 of the complaint with the same force and effect as though fully set forth herein at length.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 28 through 31.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

10. The complaint fails to allege facts sufficient to constitute a cause of action against defendant COOPER.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

11. The complaint alleges no facts constituting any liability by answering defendant COOPER or any obligations arising out of any obligations properly attributable to answering defendant COOPER pursuant to 16 N.Y.C.R.R. Part 753 regarding "Call Before You Dig" obligations.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

12. Any alleged injuries to plaintiff were caused by others arising out of the failure of others having obligations pursuant to 16 N.Y.C.R.R. Part 753 regarding "Call Before You Dig".

WHEREFORE, defendant COOPER demands judgment dismissing the complaint, together with the costs and disbursements of this action.

Dated: Huntington, New York
January 9, 2008

Yours, etc.

KRIEG ASSOCIATES, P.C.

by: 

Marc S. Krieg, Esq. (MSK3745)

Attorney for Defendant COOPER,
ROBERTSON & PARTNERS, LLP
5 Heather Court
Dix Hills, NY 11746
(631) 499-8409
(631) 493-0763

TO: Robert C. Sheps, Esq.
SHEPS LAW GROUP, P.C.
Attorney for Plaintiff
35 Pinelawn Road, Suite 106E
Melville, NY 11746

TISHMAN CONSTRUCTION CORP.
OF NEW YORK
666 Fifth Avenue
New York, NY 10103

JOHN CIVETTA & SONS, INC.
1123 Bronx River Avenue
New York, NY 10472

MUNOZ ENGINEERING &
LAND SURVEYING, P.C.
234 Fifth Avenue, 3rd Floor
New York, NY 10001

AMBROSINO, DEPINTO &
SCHMIEDER CONSULTING ENGINEERS, P.C.
275 Seventh Avenue
New York, NY 10001-6787

LANGAN ENGINEERING AND
ENVIRONMENTAL SERVICES, INC.
32 Penn Plaza
360 West 31st Street, 8th Floor
New York, NY 10001-2727

STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

Joan Treubig, being duly sworn, deposes and says that I am not a party to this action; that I am over eighteen (18) years of age; that I reside at 20 Saratoga Street, Commack, New York; that on the 12 day of January 2008, I served the within Answer upon:

Robert C. Sheps, Esq.
SHEPS LAW GROUP, P.C.
35 Pinelawn Road, Suite 106E
Melville, NY 11746

TISHMAN CONSTRUCTION CORP.
OF NEW YORK
666 Fifth Avenue
New York, NY 10103

JOHN CIVETTA & SONS, INC.
1123 Bronx River Avenue
New York, NY 10472

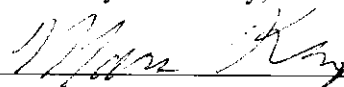
MUNOZ ENGINEERING &
LAND SURVEYING, P.C.
234 Fifth Avenue, 3rd Floor
New York, NY 10001

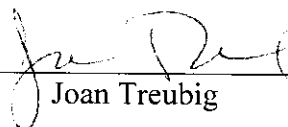
AMBROSINO, DEPINTO &
SCHMIEDER CONSULTING ENGINEERS, P.C.
275 Seventh Avenue
New York, NY 10001-6787

LANGAN ENGINEERING AND
ENVIRONMENTAL SERVICES, INC.
32 Penn Plaza
360 West 31st Street, 8th Floor
New York, NY 10001-2727

the address designated by the said attorneys for that purpose by depositing a true copy of the same enclosed in a post-paid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Sworn to before me this
12 day of January, 2008




Joan Treubig

